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In re Application of

LOH

Application No.: 09/890,867

PCT No.: PCT/SG00/00012

Int. Filing Date: 31 January 2000

Priority Date: 02 February 1999

Attorney's Docket No.: 4890P001

For: METAL CASTING

DECISIONS ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Response to Decisions on Petitions" filed 12 March 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 February 2004, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present national stage application. Applicant was afforded two months to file any request for reconsideration.

On 12 March 2004, applicant filed the present renewed petition.

DISCUSSION

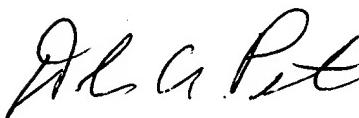
As detailed in the decision mailed 24 February 2004, the Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicant previously satisfied items (1) and (3) above. With the filing of the present renewed petition and accompanying papers, applicant has satisfied the remaining two items. Specifically as to item (2) counsel has attested that a search of the file jacket indicates that "Notification of Missing Requirements" mailed 01 October 2001 was not received. In addition, applicant has included a copy of the docket record for the entire firm where the Form PCT/DO/EO/905 would have been entered. As such, it is proper to grant applicant's renewed petition under 37 CFR 1.181 at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The "NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909)" mailed on 13 August 2002 is hereby VACATED. This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the preparation and mailing of a new "Notification of Missing Requirements" (Form PCT/DO/EO/905).



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